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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,705	10/31/2000	Jeffry Jovan Philyaw	PHLY-25,506	3135

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EXAMINER	
MIRZA, ADNAN M	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/703,705	PHILYAW, JEFFRY JOVAN	
	Examiner	Art Unit	
	Adnan M. Mirza	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,11,19 recites the limitation "Intermediate location" in claim 1,11,19. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Ludwig (U.S. 6,256,498).

As per claims 1,11,19 Ludwig disclosed a method for connecting a wireless device to a remote location on a computer network, the method comprising the steps of a) transmitting a beacon signal from a beacon unit disposed at a first geographic location, the beacon signal including components indicative of a first code and of a second code, the first code being associated with a remote location on a computer network and the second code being associated with an attribute of the beacon unit (col. 3, lines 36-47); b) receiving the beacon signal using a beacon signal receiver circuit disposed with a wireless device at a second geographic location, and extracting therefrom the first code and the second code (col. 6, lines 61-67); c) automatically sending, in response to receiving the beacon signal without user intervention, control signals indicative of the first code and the second code from the beacon signal receiver circuit to the wireless device (col. 6, lines 7-44); d) automatically transmitting, in response to receiving the control without user intervention signals, an RF signal constituting a first message packet from the wireless device to an intermediate location on the computer network, the first message packet being indicative of the first code and the second code; g) transmitting a reply packet including the routing information associated with the first code from the intermediate location across the computer network to the wireless device (col. 4, lines 61-67; e) receiving the first message packet at the intermediate location and extracting the first code and the second code therefrom; f) accessing a computer database from the intermediate location, the database including a plurality of routing information for remote locations on the computer network and a plurality of first

codes and associating each of the routing information with at least one of the first codes (col. 6, lines 29-44), and retrieving the routing information associated with the first code received in the beacon signal; and h) transmitting, in response to receiving the reply packet, a second message packet from the wireless device to a remote location on the network using the routing information just received, thereby connecting the wireless device to the associated remote location (col. 7, lines 36-58).

4. As per claim 2 Ludwig disclosed wherein the step of transmitting a second message packet from the wireless device to a remote location further comprises the sub-step of transmitting the first code to the remote location (Ludwig, col. 10, lines 14-26).

5. As per claim 3 Ludwig disclosed wherein the step of transmitting a second message packet from the wireless device to a remote location further comprises the sub-step of transmitting the second code to the remote location (Ludwig, col. 10, lines 14-26).

6. As per claims 4,10,17 Ludwig disclosed wherein: the computer database further includes a plurality of second codes which are associated with the plurality of routing information for remote locations on the computer network (Ludwig, col. 7, lines 36-58); and the step of accessing a computer database from the intermediate location further comprises the sub-steps of a) determining whether more than one of the routing information are associated with the first code received in the beacon signal (Ludwig, col. 10, lines 8-13); and b) if so, selecting for

retrieval such routing information which is also associated with the second code (Ludwig, col. 9, lines 63-67 & col. 10, lines 1-5).

7. As per claim 5 Ludwig disclosed wherein the step of transmitting a second message packet from the wireless device to a remote location further comprises the sub-step of transmitting the first code to the remote location (Ludwig, col. 8, lines 7-12).

8. As per claim 6 Ludwig disclosed wherein the step of transmitting a second message packet from the wireless device to a remote location further comprises the sub-step of transmitting the second code to the remote location (Ludwig, col. 8, liens 7-12).

9. As per claims 7,16 Ludwig disclosed further comprising the steps of a) retrieving, prior to sending control signals from the beacon signal receiver circuit to the wireless device, a third code from a memory unit of the beacon signal receiver circuit, the third code being associated with an attribute of the beacon signal receiver circuit (Ludwig, col. 8, lines 28-41); b) sending, in response to receiving the beacon signal, control signals indicative of the third code from the beacon signal receiver circuit to the wireless device (Ludwig, col. 7, lines 1-15); c) transmitting, as a component of the RF signal constituting the first message packet, signals indicative of the third code; and d) extracting the third code from the first message packet at the intermediate location (Ludwig, col. 7, lines 17-27).

10. As per claim 8 Ludwig disclosed wherein the step of transmitting a second message packet from the wireless device to a remote location further comprises the sub-step of transmitting the third code to the remote location (Ludwig, col. 7, lines 17-27).

11. As per claims 9,18 Ludwig disclosed wherein: the computer database farther includes a plurality of third codes which are associated with the plurality of routing information for remote locations on the computer network (Ludwig, col. 7, lines 37-58), and the step of accessing a computer database from the intermediate location further comprises the sub-steps of a) determining whether more than one of the routing information are associated with the first code received in the beacon signal (Ludwig, col. 10, lines 8-13); and b) if so, selecting for retrieval such routing information which is also associated with the third code (Ludwig, col. 7, lines 17-27).

12. As per claim 12 Ludwig disclosed wherein the beacon signal is a radio frequency (RF) signal (Ludwig, col. 4, lines 61-67).

13. As per claim 13 Ludwig disclosed wherein the frequency of the RF beacon signal is different from the frequency used by the RF transmitter/receiver of the wireless device to communicate with the network (Ludwig, col. 6, lines 7-17).

14. As per claim 14 Ludwig disclosed wherein the beacon signal is an optical signal (Ludwig, col. 4, lines 61-67).

15. As per claim 15 Ludwig disclosed wherein the beacon signal is an acoustic signal (Ludwig, col. 6, lines 7-17).

16. As per claim 20 Ludwig disclosed further comprising the steps of a) receiving the second message packet at the different remote location on the Network; b) sending, in response to receiving the second message packet (Ludwig, col. 7, lines 17-27), information from the different remote location back across the network to the wireless device; and c) receiving with the wireless device the information from the different remote location and displaying the information to a user (Ludwig, col. 10, lines 26-37).

Applicant's arguments are as follows:

17. Applicant argued that prior art disclosed that there is no step transmitting a reply packet from the intermediate location to wireless device such that the wireless device then makes the connection.

As to Applicant's argument Ludwig disclosed the GPRS gateway support node GGSN is the node which is accessed by the packet data network due to evaluation of packet data network due

to evaluation of a packet data protocol address PDP that contains routing information for attached GPRS users, e.g. in internet protocol IP or X.25. this routing information is used to tunnel packet data units PDUs to mobile stations current point of attachment, i.e. the serving GPRS supporting node (col. 5, lines 39-47). One ordinary skill in the art at the time of the invention knows that IP protocol sends out an Acknowledgement message once it received the packet.

18. Applicant argued that prior art did not disclose, "no second code transmitted from the beacon unit that could be an attribute of the beacon unit".

As to applicant's argument prior art disclosed, "The device ID is further associated with a subscriber number (sub #) authorized by a carrier in the link server as part of the procedures to activate the phone" (col. 7, lines 61-64). One ordinary skill in the art at the time of the invention interrupted the subscriber number as the second code.

Conclusion

19. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

20. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

AM

Adnan Mirza

Examiner

JASON CARDONE
SUPERVISORY PATENT EXAMINER